

109TH CONGRESS
1ST SESSION

S. 572

To amend the Homeland Security Act of 2002 to give additional biosecurity responsibilities to the Department of Homeland Security.

IN THE SENATE OF THE UNITED STATES

MARCH 9, 2005

Mr. AKAKA (for himself and Mr. DURBIN) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To amend the Homeland Security Act of 2002 to give additional biosecurity responsibilities to the Department of Homeland Security.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Homeland Security
5 Food and Agriculture Act of 2005”.

6 **SEC. 2. AGRICULTURAL BIOSECURITY.**

7 (a) IN GENERAL.—Title VIII of the Homeland Secu-
8 rity Act of 2002 (6 U.S.C. 361 et seq.) is amended by
9 adding at the end the following:

“Subtitle J—Agricultural Biosecurity

“SEC. 899A. DEFINITIONS.

“In this subtitle:

“(1) AGRICULTURAL DISEASE.—The term ‘agricultural disease’ means an outbreak of a plant or animal disease, or a pest infestation, that requires prompt action in order to prevent injury or damage to people, plants, livestock, property, the economy, or the environment.

“(2) AGRICULTURE.—The term ‘agriculture’ includes—

“(A) the science and practice of an activity relating to—

“(i) food, feed, and fiber production;

or

“(ii) the processing, marketing, distribution, use, or trade of food, feed, or fiber;

“(B) a social science, such as—

“(i) family and consumer science;

“(ii) nutritional science;

“(iii) food science and engineering; or

“(iv) agricultural economics; and

1 “(C) an environmental or natural resource
2 science, such as—

3 “(i) forestry;

4 “(ii) wildlife science;

5 “(iii) fishery science;

6 “(iv) aquaculture;

7 “(v) floraculture; or

8 “(vi) veterinary medicine.

9 “(3) AGROTERRORIST ACT.—

10 “(A) IN GENERAL.—The term
11 ‘agroterrorist act’ means the criminal act, com-
12 mitted with the intent described in subpara-
13 graph (B), of causing or attempting to cause
14 damage or harm (including destruction or con-
15 tamination) to—

16 “(i) a crop;

17 “(ii) livestock;

18 “(iii) farm or ranch equipment;

19 “(iv) material or property associated
20 with agriculture; or

21 “(v) a person engaged in an agricul-
22 tural activity.

23 “(B) INTENT.—The term ‘agroterrorist
24 act’ means an act described in subparagraph
25 (A) that is committed with the intent to—

1 “(i) intimidate or coerce a civilian
2 population; or

3 “(ii) influence the policy of a govern-
4 ment by intimidation or coercion.

5 “(4) BIOSECURITY.—

6 “(A) IN GENERAL.—The term ‘biosecurity’
7 means protection from the risk posed by a bio-
8 logical, chemical, or radiological agent to—

9 “(i) the agricultural economy;

10 “(ii) the environment;

11 “(iii) human health; or

12 “(iv) plant or animal health.

13 “(B) INCLUSIONS.—The term ‘biosecurity’
14 includes the exclusion, eradication, and control
15 of a biological agent that causes an agricultural
16 disease.

17 “(5) EMERGENCY RESPONSE PROVIDER.—The
18 term ‘emergency response provider’ includes any
19 Federal, State, or local—

20 “(A) emergency public safety professional;

21 “(B) law enforcement officer;

22 “(C) emergency medical professional (in-
23 cluding an employee of a hospital emergency fa-
24 cility);

1 “(D) veterinarian or other animal health
2 professional; and

3 “(E) related personnel, agency, or author-
4 ity.

5 “(6) SUSPECT LOCATION.—The term ‘suspect
6 location’ means a location that, as recognized by an
7 element of the intelligence community—

8 “(A) has experienced, or may experience,
9 an agroterrorist act or an unusual disease; or

10 “(B) has harbored, or may harbor, a per-
11 son that committed an agroterrorist act.

12 **“SEC. 899B. AGRICULTURAL SECURITY RESPONSIBILITIES**
13 **OF THE DEPARTMENT OF HOMELAND SECU-**
14 **RITY.**

15 “(a) COORDINATION OF FOOD AND AGRICULTURAL
16 SECURITY.—

17 “(1) IN GENERAL.—The Secretary shall estab-
18 lish and carry out a program to protect the agri-
19 culture and food supply of the United States from
20 agroterrorist acts.

21 “(2) PROGRAM INCLUSIONS.—The program es-
22 tablished pursuant to paragraph (1) shall include
23 provisions for—

“(A) advising and coordinating with Federal, State, local, regional, and tribal homeland security officials regarding—

“(i) preparedness for and the response to an agroterrorist act; and

“(ii) the detection, prevention, and mitigation of an agroterrorist act; and

“(B) executing the agriculture security responsibilities of the Secretary described in Homeland Security Presidential Directive 7 (December 17, 2003) and Homeland Security Presidential Directive 9 (February 3, 2004).

“(b) RESPONSIBILITIES.—

“(1) SECRETARY.—The Secretary shall have responsibility for—

“(A) increasing communication and coordination among all Federal, State, local, regional, and tribal emergency response providers regarding biosecurity;

“(B) ensuring that each Federal, State, local, regional, and tribal emergency response provider understands and executes the role of that emergency response provider in response to an agroterrorist attack;

1 “(C)(i) ensuring that State, local, and trib-
2 al officials have adequate access to information
3 and resources at the Federal level; and

4 “(ii) developing and implementing informa-
5 tion-sharing procedures by which a Federal,
6 State, local, regional, or tribal emergency re-
7 sponse provider can share information regard-
8 ing a biological threat, risk, or vulnerability;

9 “(D) coordinating with the Secretary of
10 Transportation to develop guidelines for restric-
11 tions on the interstate transportation of an ag-
12 ricultural commodity or product in response to
13 an agricultural disease;

14 “(E) coordinating with the Administrator
15 of the Environmental Protection Agency in con-
16 sidering the potential environmental impact of a
17 response by Federal, regional, State, local, and
18 tribal emergency response providers to an agri-
19 cultural disease;

20 “(F) working with Federal agencies (in-
21 cluding the Department of Agriculture and
22 other elements of the intelligence community) to
23 improve the ability of employees of the Depart-
24 ment of Homeland Security to identify a bio-
25 logical commodity or product, livestock, and any

1 other good that is imported from a suspect lo-
2 cation;

3 “(G) coordinating with the Department of
4 State to provide the President and Federal
5 agencies guidelines for establishing a mutual
6 assistance agreement with another country, in-
7 cluding an agreement—

8 “(i) to provide training to veterinar-
9 ians, public health workers, and agri-
10 culture specialists of the United States in
11 the identification, diagnosis, and control of
12 foreign diseases;

13 “(ii) to provide resources and tech-
14 nical assistance personnel to a foreign gov-
15 ernment with limited resources; and

16 “(iii) to participate in a bilateral or
17 multilateral training program or exercise
18 relating to biosecurity.

19 “(2) UNDERSECRETARY FOR EMERGENCY RE-
20 SPONSE AND PREPAREDNESS.—The Undersecretary
21 for Emergency Response and Preparedness shall
22 have responsibility for—

23 “(A) not later than 180 days after the date
24 of enactment of this subtitle, cooperating with
25 State, local, and tribal homeland security offi-

1 cials to establish State, local, and regional re-
2 sponse plans for an agricultural disease or
3 agroterrorist act that include—

4 “(i) a comprehensive needs analyses
5 to determine the appropriate investment
6 requirements for responding to an agricul-
7 tural disease or agroterrorist act;

8 “(ii) a potential emergency manage-
9 ment assistance compact and any other
10 mutual assistance agreement between
11 neighboring States; and

12 “(iii) an identification of State and
13 local laws (including regulations) and pro-
14 cedures that may affect the implementa-
15 tion of a State response plan; and

16 “(B) not later than 90 days after the date
17 of enactment of this subtitle, establishing a task
18 force consisting of State and local homeland se-
19 curity officials that shall—

20 “(i) identify the best practices for car-
21 rying out a regional or State biosecurity
22 program;

23 “(ii) make available to State, local,
24 and tribal governments a report that de-

1 scribes the best practices identified under
2 clause (i); and

3 “(iii) design and make available infor-
4 mation (based on the best practices identi-
5 fied under clause (i)) concerning training
6 exercises for emergency response providers
7 in the form of printed materials and elec-
8 tronic media to—

9 “(I) managers of State, local,
10 and tribal emergency response pro-
11 vider organizations; and

12 “(II) State health and agricul-
13 tural officials.

14 “(c) GRANTS TO FACILITATE PARTICIPATION OF
15 STATE AND LOCAL ANIMAL HEALTH CARE OFFICIALS.—

16 “(1) IN GENERAL.—The Office of State and
17 Local Coordination and Preparedness, in consulta-
18 tion with the Undersecretary for Emergency Re-
19 sponse and Preparedness and the Secretary, shall es-
20 tablish a program under which the Secretary shall
21 provide grants to communities to facilitate the par-
22 ticipation of State and local animal health care offi-
23 cials in community emergency planning efforts.

1 “(2) AUTHORIZATION OF APPROPRIATIONS.—
2 There is authorized to be appropriated to carry out
3 this subsection \$5,000,000 for fiscal year 2006.”.

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